



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

May 10, 2013

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To: Supervisor Mark Ridley-Thomas, Chairman
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From: William T Fujioka
Chief Executive Officer

MOTION TO DIRECT THE CHIEF EXECUTIVE OFFICE, IN COLLABORATION WITH THE INTER-AGENCY COUNCIL ON CHILD ABUSE AND NEGLECT, TO WORK WITH THE SHERIFF AND THE DISTRICT ATTORNEY TO INITIATE LEGISLATIVE CHANGES TO AB 717 OF 2011 (AGENDA ITEM NO. 6, MEETING OF MAY 14, 2013)

Item No. 6 on the May 14, 2013 Agenda is a motion by Supervisor Antonovich to direct the Chief Executive Office in collaboration with the Inter-Agency Council on Child Abuse and Neglect, to work with the Sheriff and the District Attorney to initiate legislative changes to the law enforcement prohibition of AB 717 (Chapter 468, Statutes of 2011) that represents a risk to child victims.

Background

Prior to January 2012, California law required a police department, a sheriff's department, a county probation department, and a county welfare department to forward to the California Department of Justice (DOJ) a report of every case it investigates of known or suspected child abuse or severe neglect for purposes of inclusion in the Child Abuse Central Index (CACI). The CACI is a DOJ Statewide database developed to serve as an index of general information on child abuse.

The Child Abuse Central Index, which as of April 2011 included over 777,000 reports and 850,000 suspects of child abuse, may include information on individuals who have not been convicted of any crime, but captures general information on individuals against whom reports of child abuse or neglect have been made, investigated, and determined

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by the reporting agency to meet the requirements for inclusion in the CACI. The CACI is accessed by county child welfare agencies that use the index when conducting background checks and child abuse investigations. The CACI is also used by law enforcement officials in investigations and by schools, childcare providers and youth organizations to screen potential employees.

Existing Law

AB 717 of 2011, by Assembly Member Ammiano, amended State law to limit the information in the CACI to reports that are substantiated and excludes reports that are unfounded or inconclusive. AB 717 also removed, beginning on January 1, 2012, the requirement that a police department or sheriff's department forward to the DOJ a report of any case it investigates of known or suspected child abuse or severe neglect. The law was also amended to provide for due process for any person that wishes to challenge his or her listing in the CACI.

According to Assembly Member Ammiano, AB 717 was in response to numerous court cases, including one originating in Los Angeles County, that deemed the CACI to be unconstitutional because it did not notice all individuals of their inclusion in the CACI; offer a due process hearing; or give individuals with unsubstantiated cases of abuse or neglect a procedure to have their names removed from the database. AB 717 passed both houses without any opposition and was signed by Governor Brown in October 2011. The law became effective on January 1, 2012.

Analysis

According to the Sheriff's Department, District Attorney and Inter-Agency Council on Child Abuse and Neglect, AB 717 only allows child welfare agencies to submit information on substantiated cases of abuse or neglect for inclusion in the CACI, excluding law enforcement agencies from providing any information on cases they have investigated. As a result, only information related to investigations of abuse and neglect in which the alleged perpetrator is a family member or caregiver is being captured in the CACI. Since January 2012, the CACI excludes information on cases investigated by law enforcement in which abuse or neglect was substantiated, and if no arrest was made or charges were never filed due to the statute of limitations expiring or other such circumstances, the information is unavailable for agencies, such as child welfare departments, schools and childcare providers, to access.

The Sheriff's Department and the District Attorney indicate that the limitation on information included in the CACI impedes law enforcement's ability to use CACI for investigations into suspected child abuse or neglect and to establish a pattern of abuse

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for individuals that may not be family members or caregivers. In addition, agencies that use the CACI for background checks to screen individuals for employment or to provide care to children will potentially miss information on individuals investigated by law enforcement.

On April 19, 2013, the Inter-Agency Council on Child Abuse and Neglect Policy Committee, with the support of the Department of Children and Family Services and Sheriff's Department, passed a motion to support revisions to AB 717 to reinstate the requirement that all law enforcement agencies report substantiated cases of suspected child abuse and neglect to the California Department of Justice for inclusion in the CACI.

This office has reached out to the Sheriff's Department and District Attorney who have expressed interest in working with the CEO and the Inter-Agency Council on Child Abuse and Neglect, if the Board motion is approved, to pursue legislative change to allow law enforcement to submit information to the CACI.

Conclusion

As there is no existing policy related to the submission of information from law enforcement agencies on substantiated cases of child abuse and neglect for inclusion in the California Department of Justice Child Abuse Central Index, **approval of this motion is a matter of Board policy determination.**

We will continue to keep you advised.

WTF:RA
MR:KA:lm

c: Executive Office, Board of Supervisors
County Counsel